

FILED

NOV 05 2004

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA, :

- against - :

STANTON D. ALLABEN, :  
Petitioner, :

LARRY W. PROPLES, CLERK  
CHARLESTON, SC

Case No. 9:00-517-1(RH)

NOTICE OF MOTION PURSUANT TO  
FED.R.CRIM.P. 52(b).

COMES NOW, Stanton D. Allaben, the petitioner in the above referenced proceeding, moves this Honorable Court, the United States District Court, for the District of South Carolina, Honorable J. Blatts, USDJ, for relief pursuant to Federal Rules of Criminal Procedure, Rule 52(b), for this Court's failure to make a specific finding of fact in relation to a disputed sentencing issue. United States v. Greenfield, 44 F.3d 1141 (2d Cir. 1995), which concerns: (a) that counsel's ignorance as to the relevant grouping Guidelines (USSG § 3D1.2) prejudiced the petitioner by the imposition of a 100% increase in his sentence; (b) various sentencing enhancements in relation to the instant offense; and (c) the lack of crediting the petitioner with acceptance of responsibility (USSG § 3E1.1); and for an Order for resentencing in accordance with Rule 32(c)(1), Fed.R.Crim.P., and for such other and further relief as this Court may deem just and proper.

October 17, 2004

Respectfully,

Stanton D. Allaben  
Stanton D. Allaben

63